

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLARD L. SLOAN, EUGENE J.
WINNINGHAM, and JAMES L. KELLEY,

Plaintiffs,

v.

BORGWARNER INC., BORGWARNER
DIVERSIFIED TRANSMISSION
PRODUCTS INC., and BORGWARNER
FLEXIBLE BENEFITS PLANS,

Defendants.

Case 2:09-cv-10918-PDB-MKM

U.S. District Judge Paul D. Borman

U.S. Magistrate Judge Mona K. Majzoub

**BORGWARNER'S SECOND SUPPLEMENTAL
APPENDIX OF SUMMARY JUDGMENT AUTHORITIES**

Tab Authority

Cases

- 36 *Harnden v. Jayco, Inc.*, 496 F.3d 579 (6th Cir. 2007)
- 37 *Nationwide Life Ins. Co. v. Haddock*, 460 F. App'x 26 (2d Cir. 2012)

Statutes and Rules

- 38 Federal Rule of Evidence 703
- 39 Federal Rule of Evidence 1006

Other Authorities

- 40 10B Charles Alan Wright et al., *Federal Practice and Procedure* § 2738 (3d ed. 1998 & Supp. 2012)

Dated: July 12, 2012

Respectfully submitted,

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BorgWarner Flexible Benefits Plans*

CERTIFICATE OF SERVICE

I hereby certify that on July 12, 2012, I electronically filed the foregoing **BorgWarner's Second Supplemental Appendix of Summary Judgment Authorities** with the Clerk of the Court using the ECF system which will send notification of such filing to all ECF participants.

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